



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-10

Amends the Illinois Procurement Code. Requires that the competitive sealed bid method of selection include, when practical, a reverse auction period when responsive bidders may lower their bids. Effective immediately.

LRB093 20983 JAM 46982 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning procurement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 20-10 as follows:

6 (30 ILCS 500/20-10)

7 Sec. 20-10. Competitive sealed bidding.

8 (a) Conditions for use. All contracts shall be awarded by
9 competitive sealed bidding except as otherwise provided in
10 Section 20-5.

11 (b) Invitation for bids. An invitation for bids shall be
12 issued and shall include a purchase description and the
13 material contractual terms and conditions applicable to the
14 procurement.

15 (c) Public notice. Public notice of the invitation for bids
16 shall be published in the Illinois Procurement Bulletin at
17 least 14 days before the date set in the invitation for the
18 opening of bids.

19 (d) Bid opening. Bids shall be opened publicly in the
20 presence of one or more witnesses at the time and place
21 designated in the invitation for bids. The name of each bidder,
22 the amount of each bid, and other relevant information as may
23 be specified by rule shall be recorded. After the award of the
24 contract, the winning bid and the record of each unsuccessful
25 bid shall be open to public inspection.

26 (e) Bid acceptance and bid evaluation. Bids shall be
27 unconditionally accepted without alteration or correction,
28 except as authorized in this Code. Bids shall be evaluated
29 based on the requirements set forth in the invitation for bids,
30 which may include criteria to determine acceptability such as
31 inspection, testing, quality, workmanship, delivery, and
32 suitability for a particular purpose. Those criteria that will

1 affect the bid price and be considered in evaluation for award,
2 such as discounts, transportation costs, and total or life
3 cycle costs, shall be objectively measurable. The invitation
4 for bids shall set forth the evaluation criteria to be used.

5 (f) Correction or withdrawal of bids. Correction or
6 withdrawal of inadvertently erroneous bids before or after
7 award, or cancellation of awards of contracts based on bid
8 mistakes, shall be permitted in accordance with rules. After
9 bid opening, no changes in bid prices or other provisions of
10 bids prejudicial to the interest of the State or fair
11 competition shall be permitted. All decisions to permit the
12 correction or withdrawal of bids based on bid mistakes shall be
13 supported by written determination made by a State purchasing
14 officer.

15 (g) Award. The contract shall be awarded with reasonable
16 promptness by written notice to the lowest responsible and
17 responsive bidder whose bid meets the requirements and criteria
18 set forth in the invitation for bids, except when a State
19 purchasing officer determines it is not in the best interest of
20 the State and by written explanation determines another bidder
21 shall receive the award. The explanation shall appear in the
22 appropriate volume of the Illinois Procurement Bulletin.

23 (h) Multi-step sealed bidding. When it is considered
24 impracticable to initially prepare a purchase description to
25 support an award based on price, an invitation for bids may be
26 issued requesting the submission of unpriced offers to be
27 followed by an invitation for bids limited to those bidders
28 whose offers have been qualified under the criteria set forth
29 in the first solicitation.

30 (i) Reverse Auctions. When determined to be practical,
31 reverse auctions shall be permitted in accordance with rules
32 adopted by each chief procurement officer as a method for
33 responsive bidders to adjust prices downward during
34 competitive sealed bidding. The reverse auction shall follow
35 all of the requirements of subsections (a) through (h) of this
36 Section but allow for the revision of submitted prices during

1 an auction period of the bid opening. The auction period of the
2 bid opening shall be available only for the purpose of lowering
3 the prices submitted by the responsive bidders.

4 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.